

Planning and Environment Act 1987

Panel Report

Cardinia Planning Scheme Amendment C250

MSS review

9 June 2020

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

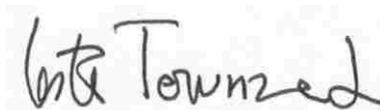
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Cardinia Planning Scheme Amendment C250

MSS review

9 June 2020



Lester Townsend

Contents

	Page
1 Introduction.....	1
1.1 The Amendment.....	1
1.2 Background.....	1
1.3 <i>Plan Melbourne</i>	3
1.4 Summary of issues raised in submissions	3
1.5 Conclusion	4
2 Issues.....	5
2.1 Resources and hazards.....	5
2.2 Community concerns.....	7
2.3 Activity centres.....	9

Appendix A Document list

List of Figures

	Page
Figure 1: Map and list of activity centres	9

Glossary and abbreviations

Council	Cardinia Shire Council
DELWP	Department of Environment, Land, Water and Planning
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
LBNAC	Lakeside Boulevard Neighbourhood Activity Centre
LPPF	Local Planning Policy Framework
MAC	Major Activity Centre
MSS	Municipal Strategic Statement
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
PSP	Precinct Structure Plan
UGB	Urban Growth Boundary
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions

Overview

Amendment summary

The Amendment	Cardinia Planning Scheme Amendment C250
Common name	MSS review
Brief description	The Amendment implements the findings of the <i>Cardinia Planning Scheme Review 2018</i> by updating the Local Planning Policy Framework with a new Municipal Strategic Statement (MSS) at Clause 21 of the Cardinia Planning Scheme.
Subject land	The Amendment applies to the whole municipality
Planning Authority	Cardinia Shire Council
Authorisation	17 October 2019
Exhibition	14 November to 16 December 2019
Submissions	<p>Eight submissions were received, of which five sought changes to the Amendment:</p> <ul style="list-style-type: none"> • South Gippsland Shire • Victorian School Building Authority • Department of Transport • Department of Jobs, Precincts and Regions • EPA Victoria • APA Group • Susan Davies • Pioneers Market Place Pty Ltd.

Panel process

The Panel	Lester Townsend
Directions Hearing	Officer, 1 April 2020
Panel Hearing	Video conference, 28 April 2020
Further information supplied	6 May 2020
Site inspections	Unaccompanied, 1 April and 1 May 2020
Appearances	<ul style="list-style-type: none"> - Council represented by Anita Ransom - Susan Davies - Pioneers Market Place Pty Ltd represented by Anthony Msonda-Johnson of Roberts Day
Citation	Cardinia PSA C250card [2020] PPV
Date of this Report	9 June 2020

Executive summary

Cardinia Planning Scheme Amendment C250 (the Amendment) seeks to implement the findings of the *Cardinia Planning Scheme Review 2018* by updating the Local Planning Policy Framework with a new Municipal Strategic Statement (MSS) at Clause 21 of the Cardinia Planning Scheme.

The Amendment flows from a comprehensive planning scheme review.

Key issues raised in submissions related to:

- mapping Extractive Industries Interest Areas
- separation distances for sensitive uses
- pipeline protection
- general policy and environmental issues mainly focused around Koo Wee Rup
- the Lakeside Boulevard Neighbourhood Activity Centre.

The key unresolved issue is the treatment of activity centres. The Panel concludes that the MSS would benefit from including a list of the Activity Centres and a map showing their location. At the request of the Panel Council produced such a list after the Hearing. This should be included in the MSS, and the MSS text revised to ensure consistent reference to activity centres.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Cardinia Planning Scheme Amendment C250 be adopted as exhibited subject to the following:

- 1. Make the changes proposed by Council in response to submissions, namely:**
 - include an updated map of Extractive Industries Interest Area in an appropriate location in the Municipal Strategic Statement.
 - include a further strategic work item to identify uses that need protection from encroachment from sensitive uses Area in an appropriate location in the Municipal Strategic Statement.
- 2. Amend Clause 21.04-3 Activity Centres Overview to include reference to all three large neighbourhood centres – Beaconsfield, Lakeside Boulevard and Lakeside Square/Cardinia Road.**
- 3. Include a map and list along the lines provided to the Panel (Figure 1 of this Report) in Clause 21.04-3, and consider also noting the location of the Pakenham Homemaker Precinct as it is referred to in the text of the Municipal Strategic Statement.**
- 4. Review the Municipal Strategic Statement text to ensure there is consistent naming of activity centres, and making sure there is no confusion between ‘Lakeside Boulevard’, and ‘Lakeside Square/Cardinia Road’.**

1 Introduction

1.1 The Amendment

The Amendment seeks to implement the findings of the *Cardinia Planning Scheme Review 2018* by updating the Local Planning Policy Framework with a new Municipal Strategic Statement (MSS) at Clause 21 of the Cardinia Planning Scheme.

The Amendment proposes that all MSS clauses be changed and the current local area clause be split into two clauses:

- Local Areas – Hills Region
- Local Areas – Western Port Region.

Council submitted:

- each section has been reviewed to remove content that is repeated in several clauses throughout Clause 21
- references to the State Planning Policy section have been removed in accordance with *A Practitioner's Guide to Victorian Planning Schemes*, August 2019
- the heading and information listed under 'Use of Policy and exercise of discretion' has been deleted as the information contained in these sections outlined is considered unnecessary
- the application of zones and overlays has been updated in each relevant section to delete work that has been done and only identify zones and overlays that need to be applied¹
- further strategic work that has been completed or is no longer required has been deleted and new work identified
- maps have been updated to show the extent of the Urban Growth Area, including Pakenham East
- wording has been changed where the intent was unclear and where information could be condensed
- Reference and Incorporated documents have been updated.

1.2 Background

Previous Local Planning Policy Review

Council's current Local Planning Policy Framework was introduced as part of Amendment C124 and was gazetted on 14 June 2012. That amendment updated the Municipal Strategic Statement (MSS) at Clause 21 and deleted three local policies at Clause 22, as they were no longer required.

Amendment C124 went through a public exhibition process and was subject to a Planning Panel. Before this, the Local Planning Policy had not been reviewed in full since 1999, when the New Format Planning Scheme was introduced.

¹ It is not clear to the Panel whether this approach meets the requirements of section 12A(3)(c) but would expect this type of issue to be addressed through the authorisation process.

Legislative requirements

Section 12A of the *Planning and Environment Act 1987* (PE Act) requires:

- (1.) A planning authority which is a municipal council must prepare a municipal strategic statement for its municipal district.
- (2.) A municipal strategic statement must further the objectives of planning in Victoria to the extent that they are applicable in the municipal district.
- (3.) A municipal strategic statement must contain—
 - (a) the strategic planning, land use and development objectives of the planning authority; and
 - (b) the strategies for achieving the objectives; and
 - (c) a general explanation of the relationship between those objectives and strategies and the controls on the use and development of land in the planning scheme; and
 - (d) any other provision or matter which the Minister directs to be included in the municipal strategic statement.
- (4.) A municipal strategic statement must be consistent with the current Council Plan for the municipal council approved under section 125 of the *Local Government Act 1989*.

...

Under Section 12(B) of the PE Act, every Municipal Council must review its planning scheme no later than one year after each date Council must approve a Council Plan under Section 125 of the *Local Government Act 1989*.

Section 12 (B)(3) states the objective of the review is to enhance the effectiveness and efficiency of the planning scheme in achieving:

- (a) the objectives of planning in Victoria; and
- (b) the objectives of the planning framework established by this Act.

Under Section 12(b)(4) the review must also evaluate the scheme to ensure that it:

- (a) is consistent in form and content with the directions or guidelines issued by the Minister under section 7; and
- (b) sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies; and
- (c) makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

Section 14 of the Act requires that the duties of the Responsible Authority include:

- (a) to efficiently administer and enforce the planning scheme.

Current review

Council undertook a planning scheme review in 2018.

Council submitted that the review had been undertaken to ensure that the Cardinia Planning Scheme is consistent with the PE Act.

The planning scheme review examined:

- Changes to State Planning Policy
- Planning Practice Notes

- Changes at local level
- Significant updates to the MSS since Amendment C124
- Panel and VCAT decisions
- Council strategies
- Gaps in the Cardinia Planning Scheme
- Emerging Issues
- Further work identified in the current MSS.

The planning scheme review listed sixty actions to improve the LPPF.

It is not the role of the Panel to check whether these actions have been implemented. The Panel notes however, that the Amendment flows from a comprehensive and detailed process.

1.3 Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

The key relevance of *Plan Melbourne* is in relation to activity centres.

Metropolitan Melbourne has a network of activity centres. This network is defined within *Plan Melbourne* and is classified into three main types: Metropolitan Activity Centres, Major Activity Centres and Neighbourhood Activity Centres.

Major activities in the southern region are:

- Berwick, Casey Central, Chelsea, Cheltenham, Cheltenham-Southland, Clyde (future), Clyde North (future), Cranbourne, Endeavour Hills, Hampton Park, Hastings, Karingal, Keysborough-Parkmore, Mentone, Moorabbin, Mordialloc, Mornington, Noble Park, Officer, Pakenham, Rosebud, Springvale.

Officer and Pakenham are in Cardinia.

1.4 Summary of issues raised in submissions

Three submissions raised no objections:

- South Gippsland Shire
- Victorian School Building Authority
- Department of Transport.

Five submissions sought changes:

- Department of Jobs, Precincts and Regions in relation to mapping Extractive Industries Interest Areas
- EPA Victoria in relation to separation distances
- APA Group in relation to pipeline protection
- Susan Davies raising a range of issues
- Pioneers Market Place Pty Ltd in relation to the Lakeside Boulevard Neighbourhood Activity Centre (LBNAC).

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Resources and hazards
- Community concerns
- Activity centres.

1.5 Conclusion

The Amendment flows from a comprehensive and detailed process. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapter.

2 Issues

2.1 Resources and hazards

(i) Extractive Industries Interest Areas

Council supported the Department of Jobs, Precincts and Regions (submission 2) request to include an updated map of Extractive Industries Interest Area to show all current work authorities. The Department of Jobs, Precincts and Regions agreed to provide an updated map.

This will make the scheme easier to use and is supported by the Panel.

(ii) Separation distances

The issue

The EPA submitted that the MSS needed to address the protection of industrial land and associated industrial activities, including the need to maintain appropriate separation distances under Clause 21.01-2 Key influences and Key issues.

Submissions

Council agreed that the MSS could better address protection of industrial land from sensitive uses, including the recognition of major hazard facilities (Lang Lang Gas Plant), as well as other infrastructure and uses such as gas pipelines and quarries.

Council considered that the best way to do this would be to include future strategic work in the MSS as this needs further consideration and consultation with the EPA.

Discussion and conclusion

The Panel agrees that this is an important issue, but it does not need to hold up the rest of the MSS review. It is not clear why policy is needed at a local level rather than the EPA addressing this at a state level. The Panel notes that the *Practitioners Guide to Victorian Planning Schemes* also notes that:

A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.

In any case some local identification of the hazards could be useful to give show how state policy applied in a local area. Including it as further strategic work is an appropriate approach.

(iii) Contaminated land

The issue

The EPA submitted that Council should consider undertaking a stocktake of contaminated land to inform the application of the Environmental Audit Overlay (EAO) particularly to those areas previously used for industry that are transitioning to more sensitive uses.

Submissions

Council noted that the EPA raised this matter in their submission to the Planning Scheme Review and did not support this approach.

Discussion and conclusion

It is not clear to the Panel that an audit of contaminated land in advance of any specific proposal to rezone the land is a wise use of strategic planning resources. The Panel does not think that any change to the exhibited Amendment is warranted in response to this issue.

(iv) Gas pipelines

The issue

APA VTS Australia requested the inclusion of policy to address the strategic significance of the Morwell–Dandenong, the Longford to Dandenong, the Pakenham–Wollert and the Pakenham lateral gas pipelines, so that this infrastructure can be afforded due policy consideration when significant land use changes and development are being considered.

Submissions

The APA sought the inclusion of the following wording:

Development around High Pressure Gas Transmission Pipelines

Overview

The Morwell–Dandenong Pipeline, Longford–Dandenong Pipeline, Pakenham–Wollert Pipeline and Pakenham Lateral Pipeline are high pressure gas transmission pipe lines licensed under the Pipelines Act 2005. Changes to land use and development in the vicinity of the pipeline must be carefully considered to ensure risks to human life and the functional operation of the pipeline are not impacted.

Objective: To ensure future land use and development appropriately responds to existing high pressure gas pipelines.

Strategy 1.1 Consider risks associated with land use and subdivision within the measurement length² of high pressure gas transmission pipelines.

Strategy 1.2 Encourage risk sensitive development to be located outside of the pipeline measurement length where practicable.

APA submitted:

The inclusion of a local policy reference would complete the relationship between broad state planning policy, municipality-wide local planning policy and directed spatial strategies such as the Pakenham East Precinct Structure Plan and other future spatial urban planning strategies.

Council supported in principle the APA VTS Australia submissions (submission 8) requesting the inclusion of policy to identify gas pipelines. However, there needs to be further work to consider how this will be addressed to ensure that it is useful and practical in the process of considering development in proximity to high pressure gas transmission pipelines.

² Australian Standard 2885 defines ‘measurement length’, as the distance at which the radiation from an ignited full bore rupture is 4.7 kW/m² – the level at which an unprotected person will receive very serious burns in under a minute. It varies with the pressure and diameter of the pipeline.

Council was hesitant to include the exact wording as proposed by APA for the following reasons:

- there is no reference to where these measurement lengths are listed (within a particular document or report), and so in the future, when planners are considering planning scheme amendments or applications, it is unclear where this information is to be obtained from
- the submission notes that the measurement lengths for some of the pipelines are 700 metres either side of the pipe and that APA seeks to limit sensitive uses from establishing within these distances. This is a significant distance, and it is also unclear what the criteria for assessing this would be given that the wording is 'seeks to limit'. The APA is not a referral authority in the Cardinia Planning Scheme except for one parcel of land within a Special Use Zone.

Council considered that as part of the future strategic work to be listed in response to the EPA submission, gas pipelines could also be given further consideration.

Discussion and conclusion

Protection of pipelines is a state-wide issue and ought to be addressed at a state level.

The Panel disagrees with APA that inclusion of specific pipeline strategies would "*complete the relationship between broad state planning policy, municipality-wide local planning policy and directed spatial strategies*". At a local level it is appropriate to identify the location of pipelines, but it is entirely unclear why considering the risks of development within the measurement length of a pipeline is a local policy rather than something that, if it were appropriate, would be addressed across the state or in all metropolitan or growth area municipalities. The proposed MSS maps the location of pipelines on relevant maps.

The Panel also agrees with Council that the impact of APA's proposed words would be unclear.

(v) Overall conclusion and recommendation

The Panel agrees with the approach proposed by Council to these issues.

The Panel recommends:

1. **Make the changes proposed by Council in response to submissions, namely:**
 - **include an updated map of Extractive Industries Interest Area in an appropriate location in the Municipal Strategic Statement.**
 - **include a further strategic work item to identify uses that need protection from encroachment from sensitive uses Area in an appropriate location in the Municipal Strategic Statement.**

2.2 Community concerns

The issue

Susan Davies raised a range of issue related to the development and character of the municipality with an emphasis on the area around Koo Wee Rup.

Submissions

Ms Davies:

- did not support the projections in relation to population in the growth area, and population growth in the remainder of the shire
- did not support policy that encourages the investigation of potential locations for a third airport in Melbourne's South East
- requested additional policy to investigate planning overlays for the purposes of a nature link along Cardinia's waterways
- did not support providing additional industrial land to the south of the Koo Wee Rup township
- thought that Koo Wee Rup should be preserved as a special environmental area and should include strategies to:
 - investigate opportunity in conjunction with Melbourne Water to provide land of about 100 acres to create demonstration site of the former great Koo Wee Rup Swamp
 - investigate the preparation of a planning scheme amendment in conjunction with Melbourne Water for an Environmental Significance Overlay for the entire length of Yallock Outfall and Yallock Creek
- submitted that there should be a Heritage Overlay for Bayles
- proposed that Council undertake a cultural landscape assessment of the Cardinia Western Port Green Wedge to consider the cultural landscape significance of the former Dalmore and Koo Wee Rup swamp environs and the Western Port coastline, including consideration of Indigenous history, the drainage of the swamp, former railway lines and the Soldier Settlement period.

Council responded:

- The population projections are based on information from Council's Community Planners. It is collated from data collected by id. consulting and based on Census data as well as other data sets. It is also noted that the population outside the growth corridor is not expected to increase significantly.
- The policy on a new airport is already in the MSS and it is not being altered as part of the Amendment. It is also noted that the third airport is contemplated within *Plan Melbourne*.
- Council's Environment team is currently preparing a Biolinks Strategy. Community consultation is proposed for later in the year, and the submitter is encouraged to submit to this strategy as it relates to this request.
- The policy for additional industrial land near Koo Wee Rup is already in the MSS and it is not being altered as part of the Amendment.
- Restoring part of the former Koo Wee Rup Swamp would be a significant undertaking, and at this time it is unlikely that Council and Melbourne Water are resourced to do this. Council noted that the MSS (under Clause 21.01-1 Environment) recognises that the Koo Wee Rup Swamp area is an area of Environmental Significance and that this needs to be protected. As these waterways are both Melbourne Water managed, there would need to be further discussion with Melbourne Water as to whether it would be appropriate to include these waterways in an Environmental Significance Overlay, which may an unintended consequence of inhibiting their ability to manage the waterways. Melbourne Water generally have a good record of managing their waterways appropriately, including the planting and management of vegetation.

- A citation that has been prepared for the Bayles Hall Precinct Area, and Council was looking to apply a heritage overlay on this property to protect it.

Council considered that this further strategic work sufficiently addressed this concern raised by the submitter.

Discussion and conclusion

These issues were addressed at the Hearing and there was some interactive discussion. The submitter accepted Council’s approach to the issues that she had raised.

2.3 Activity centres

(i) The issue

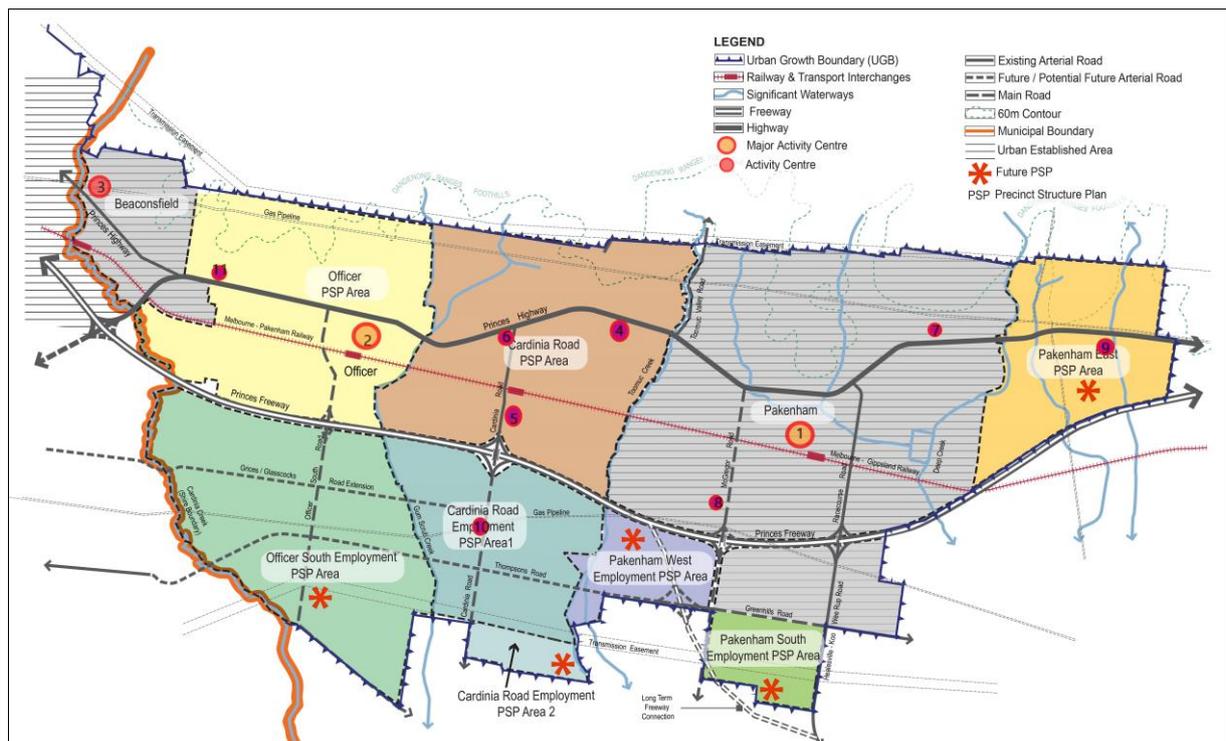
Pioneers Market Place Pty Ltd raised the treatment of the Lakeside Boulevard Neighbourhood Activity Centre (LBNAC). The consideration of this issue raises broader issues of how activity centres are treated in the revised MSS.

(ii) Relevant policies, strategies and studies

At the request of the Panel Council provided a list of activity centres together with a map of ‘established’, ‘emerging’ and ‘proposed’ activity centre in the growth corridor. Council provided a map with the following caveat:

Please note the map is just to provide more information on the location of these centres and the location of each activity centre is approximate. I have used the existing map at Clause 21.03-3 as this was the easiest to mark up, however, it is not proposed that this map be included as part of Clause 21.03-3. If the Panel decides that a map of this type needs to be included, Council’s Urban Design team would undertake this work and provide a new map.

Figure 1: Map and list of activity centres



# on map	Status	Name
Major Activity Centre		
1	Established	Pakenham
2	Emerging	Officer (Officer PSP)
Large Neighbourhood Activity Centre		
3	Established	Beaconsfield
4	Established	Lakeside Boulevard
5	Established	Lakeside Square/Cardinia Road (Cardinia Road PSP)
Neighbourhood Activity Centre		
6	Established	Arena (Cardinia Road PSP)
7	Established	Cardinia Lakes
8	Established	Heritage Springs
9	Proposed	Pakenham East (PSP not approved)
10	Proposed	Kaduna Park (Cardinia Road Employment Precinct)
11	Proposed	Whiteside Road (Officer PSP)

21.03-2 and 21.02-3 set out key issues, a number of which refer to activity centres:

- Key elements of the Urban Established Area include:
 - A Major Activity Centre at Pakenham.
 - A Large Neighbourhood Activity Centre at Beaconsfield.
- Key elements of the Casey-Cardinia Growth Area Framework Plan, 2006 in relation to the Cardinia Urban Growth Area include:
 - A Major Activity Centre at Officer.
 - Large Neighbourhood Activity Centres at Cardinia Road and Lakeside Boulevard.

Clause 21.04-3 Activity centres Overview says:

Activity centres provide a range of retail, commercial, entertainment and community services activities integrated with housing in a location which is highly accessible by road, public transport, foot and bicycle. Activity Centres are a focus for community activity and interaction in a location with a strong sense of place and urban character.

Officer and Pakenham are designated Major Activity Centres, and Beaconsfield is designated as a large Neighbourhood Activity Centre within the urban growth boundary. Emerald in the north and Koo Wee Rup in the south of the municipality are larger township activity centres and there are smaller centres dispersed throughout the municipality. (emphasis added)

Key issues include:

Recognising and developing the existing and future retail hierarchy of activity centres in the urban area.

The objective is:

To establish a network of activity centres in the growth area creating opportunities for a range of activities including retail, commercial, community, residential and entertainment to meet the needs of the community.

Strategies include:

Activity centres

...

Encourage higher order retail at Pakenham and Officer Major Activity Centres supported by high quality pedestrian access, public transport and urban design.

Design and location

...

Bulky goods

Facilitate the future establishment of associated commercial activities such as bulky goods retailing within the Pakenham Homemaker Precinct and facilitate its effective integration within the Lakeside [Boulevard] activity centre.

Clause 21.05-4 Public transport contains the strategy:

Support the upgrading of both the Pakenham and Officer railway stations as a key element of these major activity centres.

Clause 21.06-1 Urban Design Overview says:

The long term benefits of good design are a more attractive, functional and sustainable built environment. Good design is based on the principle of being site responsive, designing to take into account the character and constraints of a site and wider area.

Key issues

Implementing Precinct Structure Plans, Activity Centre Structure Plans and Urban Design Frameworks in current and future activity centres including Beaconsfield, Pakenham, Pakenham Homemaker Precinct, Cardinia Lakes and Cardinia Road and the future Officer Town Centre.

(iii) Submissions

Pioneers Market Place sought to highlight the significant role the LBNAC currently plays in the broader community pointing out that Council has established a range of community services in the Activity Centre, with the Victorian Government doing likewise.

Pioneers Market Place submitted that it owns a key land parcel in the LBNAC and seeks to ensure there is a clear, logical and strategic planning policy framework set out in the Cardinia Planning Scheme. Based on the exhibited Amendment, Pioneers Market Place formed the view the proposed planning policy framework was confusing and ultimately downplays the role of the LBNAC.

Pioneers Market Place requested that the large LBNAC is given the same level of recognition as the Beaconsfield NAC. Pioneers Market Place recommend the following changes are made to the Amendment:

- The LBNAC to be depicted at Figure 3 (Cardinia Urban Established Area) and Figure 2 (Cardinia Urban Growth Area) of proposed Clause 21.03 (Settlement and Housing) and Figure 1 (Cardinia Employment Areas) of proposed Clause 21.04 (Economic Development), consistent with the classification given to the large [Beaconsfield] NAC.
- Written references to the large LBNAC within proposed Clause 21.03 (Settlement and Housing) and Clause 21.04 (Economic Development) modified to allow for the possible future upgrade of the LBNAC to a Major Activity Centre (as per the Cardinia Road Precinct Structure Plan) in light of the significant population increase anticipated at proposed Clause 21.01-1 (Snapshot of Cardinia Shire), as

per below recommendation. With regard to Clause 21.03-3 (Urban Growth Area), under the sub heading Key Issues, the fifth point amended to:

- Large Neighbourhood Activity Centres at Cardinia Road and Lakeside Boulevard, with the Lakeside Boulevard centre possibly upgrading to a Major Activity Centre subject to necessary demand for additional land use and floor space allocations. (additional text underlined)

With regard to Clause 21.04-3 (Activity Centres), under the subheading Overview, the second paragraph amended to:

- Officer and Pakenham are designated Major Activity Centres, and Beaconsfield and Lakeside Boulevard are designated as large Neighbourhood Activity Centres within the urban growth boundary. Emerald in the north and Koo Wee Rup in the south of the municipality are larger townships with township activity centres and there are smaller centres dispersed throughout the municipality. (additional text underlined)

Pioneers Market Place were concerned that the Amendment was a precursor to the future conversion of the Cardinia Planning Scheme as part of the Smart Planning program – a conversion that is unlikely to be publicly exhibited. As such, Pioneers Market Place were of the opinion there is even more importance to ensure the Local Planning Policy Framework exhibits a consistent policy framework as a result of this Amendment to ensure it is appropriately translated into the future Smart Planning program process.

Pioneers Market Place sought changes to text dealing with the large LBNAC to allow for the possible future upgrade of the LBNAC to a Major Activity Centre (as set out in the Cardinia Road PSP) considering the significant population increase anticipated for the shire.

Council did not support a reference to upgrading the LBNAC to a major activity centre. Council noted that the reference to upgrading the LBNAC to Major Activity Centre is in the Cardinia Road Precinct Structure Plan, September 2008, on page 45. The footnote associated with this reference states that it has come from the *Melbourne 2030 Final Report: Casey – Cardinia Committee for Smart Growth, 2005*.

At the time that the *Melbourne 2030 Final Report: Casey – Cardinia Committee for Smart Growth, 2005* was produced, none of the Precinct Structure Plans (PSPs) had been developed for Cardinia and Cardinia Road PSP was the first to be completed in Cardinia. These PSPs set out the detailed framework for how development will occur within these areas. The land that is now part of the Pakenham East PSP was not contemplated for inclusion in the UGB at that time. Given the amount of time and strategic planning work that has been undertaken since the report was released in 2005, Council considered it to be an obsolete report.

Council's view was that for the LBNAC to be considered to be upgraded to a MAC, a significant amount of strategic planning work would be required.

(iv) Discussion

It is clear from the material supplied by Council after the Hearing that it has a clear view on the activity centre hierarchy in the municipality. The MSS would be clearer if this hierarchy were included.

The MSS would benefit from including a list of the activity centres and a map.

There does not seem to be a clear basis for applying different strategies to different activity centres at the same level of the hierarchy unless they are a specific strategy related to the

physical layout of the centre. Strategies about uses and role should be consistent for all centres at the same level in the hierarchy, otherwise the hierarchy doesn't really make sense.

The Panel notes Councils' explanation that Beaconsfield is included in the overview section of clause 21.04-3 because a structure plan has been prepared for the centre. This reason is not obvious from reading the overview and mentioning one Large Neighbourhood Activity Centre and not the other two is potentially confusing. If the overview wishes to point out which centres have a structure plan it should do this explicitly.

The Panel notes the submission that LBNAC ought to be identified for growth in the future.

The Panel agrees with Council that the strategy that supports an upgrade of LBNAC to a major activity is not part of current strategy. The merits of such a strategy would need to be considered in the context of the activity centre hierarchy as a whole. This is especially the case as Major Activity Centres are identified in *Plan Melbourne*. It would also be something that land owners in the current Major Activity centres might have a view on, and the Panel has not had the benefits of these views from affected owners.

(v) Recommendations

The Panel recommends:

- 2. Amend Clause 21.04-3 Activity Centres Overview to include reference to all three large neighbourhood centres – Beaconsfield, Lakeside Boulevard and Lakeside Square/Cardinia Road.**
- 3. Include a map and list along the lines provided to the Panel (Figure 1 of this Report) in Clause 21.04-3, and consider also noting the location of the Pakenham Homemaker Precinct as it is referred to in the text of the Municipal Strategic Statement.**
- 4. Review the Municipal Strategic Statement text to ensure there is consistent naming of activity centres, and making sure there is no confusion between 'Lakeside Boulevard', and 'Lakeside Square/Cardinia Road'.**

Appendix A Document list

No.	Date	Description	Provided by
1	14 April 2020	List of relevant background documents from Susan Davies	Susan Davies
2	14 April 2020	List of relevant background documents from Roberts Day on behalf of Pioneers Market Place	Anthony Msonda-Johnson
3	21 April 2020	Council Part A submission	Anita Ransom
4	28 April 2020	Council Part B submission	Anita Ransom
5	28 April 2020	Submission on behalf of Pioneers Market Place	Anthony Msonda-Johnson
6	4 May 2020	Email: Additional information following Panel for Cardinia Planning Scheme Amendment C250	Anita Ransom
7	6 May 2020	Email: Response to further information from Roberts Day.	Anthony Msonda-Johnson